

***Proposed changes to the Yolo Superior Court Local Rules
Rule 11 General Civil***

RULE 11: GENERAL CIVIL

11.1 — FORM OF FILINGS

~~All documents presented for filing shall comply with the California Rules of Court, in particular Rules 3.1110 through 3.1115 of the California Rules of Court.~~

~~(a) **Format of Filings.** The format for any papers filed with the Yolo Superior Court shall conform to Rule 3.1110 of the California Rules of Court and Rule 2.4.~~

~~(b) **Length of Filings.** The length of any motion or other document filed with the Yolo Superior Court shall conform to the limits set forth in Rule 3.1113(d) of the California Rules of Court. A party may apply to file a longer pleading pursuant to Rule 3.1113(d) of the California Rules of Court.~~

~~(c) **Citation of Authority.** Pursuant to Rule 3.1113(i) of the California Rules of Court, if any authority other than California cases, statutes, constitutional provisions or State or local rules is cited in any motion or memorandum of points and authorities, a copy shall be attached to the papers in which the authorities are cited and tabbed as exhibits. If a California case is cited before the time it is published in the Advance Sheets of the Official Reports, a copy of that case shall also be attached and tabbed.~~ *(Effective January 1, 2007; As amended, eff 01/01/2015)*

11.2 — DEADLINE FOR FILING

~~Unless otherwise ordered by the Court or specifically provided for by law, all moving and supporting papers shall be served and filed pursuant to provisions of Rule 3.1300 of the California Rules of Court and Code of Civil Procedure Section 1005.~~ *(Effective January 1, 2007)*

11.3 ~~11.1~~ LAW AND MOTION *CALENDARED MATTERS*

~~(a) **Calendar.** The law and motion calendar shall be called at such time as is designated by the Presiding Judge. Parties shall call the civil legal process unit in advance of setting any matter on calendar (1) for availability, and (2) to reserve the date.~~

~~(b) **Time Limit.** Hearings on the law and motion calendar may be limited by the sitting judge to accommodate the court's calendar. Matters may be reassigned to a specific time at the convenience of the court.~~

~~(c) Ex Parte Hearings.~~ See Rule 7.

~~(d) Ruling Without Hearing.~~ In appropriate circumstances, the Court may rule on the issues before it solely on the pleadings and without argument or further testimony.

(a) Continuances *Law and Motion Continuances.* Upon stipulation by all parties, or upon request of the moving party with appropriate notice, law and motion matters may be continued once by the clerk at least five (5) court days prior to the matter being heard. Any party seeking a continuance that is not received timely shall appear in court at the time set for hearing and request such from the judge to whom the matter has been assigned.

(b) Drops *Law and Motion Withdrawals.* When a matter is to be ~~dropped~~ *withdrawn* from the law and motion calendar, the moving party shall promptly notify the clerk's office, but in no event shall notice be later than two (2) court days before the hearing. ~~Any notice less than five (5) shall require approval from the Court.~~

(c) Short Cause Continuances. *Upon stipulation, or request of the moving party with notice to any previously noticed party and an order signed by the judge, any short cause matter as defined in Rule 3.735(a) of the California Rules of Court may be continued once any time prior to three (3) court days before the hearing. A request for continuance made three (3) days or less before the hearing date shall be made upon ex parte motion before the presiding judge.*

11.4 *11.2* TENTATIVE RULINGS

(a) Yolo Superior Court follows Rule 3.1308(a)(1) of the California Rules of Court for tentative rulings. Tentative rulings for the next court day will be available by phone at (530)406-6806 and on the Court's web site after ~~2:00 p.m.~~ **3:00 p.m.** The tentative ruling shall become the ruling of the court, unless a party desiring to be heard so advises the courtroom clerk of the designated department no later than 4:00 p.m. on the court day preceding the hearing, and further advises the courtroom clerk that such party has notified the other side of its intention to appear.

(b) All noticed motions and demurrers in the civil department shall include the following information in the notice:

"Pursuant to Local Rule 11.4 **11.2**, the court will issue a tentative ruling on the merits of the matter by ~~2:00 p.m.~~ **3:00 p.m.** on the court day before the hearing. The tentative rulings are available by phone at (530)406-6806 and on the Court's web site after ~~2:00 p.m.~~ **3:00 p.m.** The tentative ruling shall become the ruling of the court, unless a party desiring to be heard so advises the courtroom clerk of the designated department no later than 4:00 p.m. on the court day preceding the hearing, and further advises the courtroom clerk that such party has notified the other party(s) of its intention to appear."

~~11.5~~ — ~~DEFAULT JUDGMENTS~~

~~A party seeking a default judgment shall comply with Rule 3.1800(a) of the California Rules of Court. (Effective January 1, 2007)~~

~~11.6~~ *11.3* ATTORNEY FEES

Pursuant to Rule 3.1800(b) of the California Rules of Court, attorney fees may be awarded in the case of a default judgment as follows:

Exclusive of costs and interest,

- Twenty-five percent (25%) of the first two thousand dollars (\$2,000 awarded as damages with a minimum fee of ~~three hundred dollars (\$300)~~ *three hundred fifty dollars (\$350)*;
- Twenty percent (20%) of the next four thousand dollars (\$4,000);
- Fifteen percent (15%) of the next four thousand dollars (\$4,000);
- Ten percent (10%) of the next ten thousand dollars (\$10,000);
- Five percent (5%) of the next thirty thousand dollars (\$30,000); and
- Two percent (2%) of amounts in excess of the first fifty thousand dollars (\$50,000), on the next one hundred thousand dollars (\$100,000); and
- The Court, in its discretion, will fix fees for recoveries in excess of one hundred fifty thousand dollars (\$150,000).

~~11.7~~ — ~~ATTORNEY FEES IN UNLAWFUL DETAINER CASES~~

~~In an unlawful detainer case where the amount in controversy is less than twenty-five thousand dollars (\$25,000), the attorney fees for a court trial or for a default judgment obtained at the time of trial shall not exceed three hundred fifty dollars (\$350).~~

~~The attorney fees for an unlawful detainer action where a judgment is obtained and no hearing has been calendared shall not exceed two hundred twenty-five dollars (\$225). (Effective January 1, 2007)~~

~~11.8~~ — ~~MOTIONS FOR SUMMARY JUDGMENT OR SUMMARY ADJUDICATION OF ISSUES~~

~~All motions for summary judgment or summary adjudication of issue(s) shall conform to the requirements of the Code of Civil Procedure 437c and Rules 3.1350, 3.1352 and 3.1354 of the California Rules of Court. (Effective January 1, 2007; As amended, eff 01/01/2015)~~

~~11.9~~ — ~~SUBSTITUTION IN PROPRIA PERSONA~~

~~No substitution of a party as attorney in propria persona will be filed unless it contains the mailing address and telephone number of the party. The substitution shall be accompanied by proof of service on all other parties. (Effective January 1, 2007)~~

~~11.10~~ **11.4 SELF-ADDRESSED STAMPED ENVELOPES**

Anyone submitting documents for filing who desires the return of stamped copies shall provide the clerk with a self-addressed, postage-paid envelope of sufficient size. If no such envelope is provided, the documents will be placed in the attorney's pick-up box located in the Clerk's office. Documents placed in the attorney's box shall be claimed within thirty (30) days or they will be discarded without notice.

~~11.11~~ **STATE BAR AND FACSIMILE NUMBERS**

All attorneys shall include their facsimile number, if any, and bar number on all filings, correspondence or documents submitted to the court. *(Effective January 1, 2007)*

~~11.12~~ **FEE WAIVERS**

(a) Duration: An order waiving fees obtained pursuant to Rules 3.50 through 3.63 of the California Rules of Court and Governmental Code Section 68511.3 shall expire one (1) year from the date signed. This shall not in any way diminish the obligation of the person receiving the waiver to notify the court promptly of any change in financial circumstances affecting his or her ability to pay court fees and costs.

(b) Request for Copies: The Court will provide a single copy of any reasonably necessary document contained in the file to a party who has received a fee waiver. Further copies without charge require a court order based on a showing of good cause. *(Effective January 1, 2007)*

~~11.13~~ **SHORT CAUSE MATTERS**

Upon stipulation, or request of the moving party with notice to any previously noticed party and an order signed by the judge, any short cause matter as defined in Rule 3.735(a) of the California Rules of Court may be continued once any time prior to three (3) court days before the hearing. A request for continuance made three (3) court days or less before the hearing date shall be made upon ex parte motion before the presiding judge. *(Effective January 1, 2007)*

~~11.14~~ **LONG CAUSE MATTERS**

All continuance of long cause matters shall meet the standard for trial continuances under Rule 3.1332 of the California Rules of Court. *(Effective January 1, 2007)*

~~11.15~~ **PROOF OF SERVICE**

Pleadings and proofs of service shall be filed and served in compliance with Rule 3.1300 of the California Rules of Court or the court may elect to drop the matter from calendar at its discretion. Each proof of service shall identify the document served by the exact title of the document. It is preferred that a proof of service be attached to each document filed, rather than filing separate proofs of service. *(Effective January 1, 2007; As amended, eff 01/01/10)*

***Proposed changes to Yolo Superior Court Local Rules
Rule 12 Case Management***

12.1 PURPOSE AND GOAL

The purpose and goal of civil case management is to:

- (a) Manage fairly and efficiently, from commencement to disposition, the processing of civil litigation;
- (b) Fully implement the goals of Government Code Section 68600, et seq. and Rule 3.700, et seq. of the California Rules of Court;
- (c) Promote alternative dispute resolution (ADR); and
- (d) Conduct case management conferences pursuant to Rule 3.720 et seq. of the California Rules of Court.*

~~12.2 FILING AND SERVICE OF PLEADINGS~~

- ~~(a) Complaint: except as otherwise provided in these rules, a plaintiff shall within sixty (60) days after the filing of a complaint serve the complaint on each defendant together with (1) the Notice of Case Management Conference; (2) the Alternative Dispute Resolution (ADR) information packet; and (3) such local forms as may be provided by the court clerk.~~
- ~~(b) Cross-complaint: except as provided in these rules, each defendant shall within thirty (30) days after answering the complaint file any cross-complaint (within fifty (50) days if compliance with a governmental claims statute is a prerequisite to the cross-complaint) not already served with the answer under Code of Civil Procedure Section 428.50 and serve with that cross-complaint the items set forth above.~~
- ~~(c) Responsive pleadings: except as provided in these rules, each party served with a complaint or a cross-complaint shall file and serve a response within thirty (30) days after service. The parties may by written agreement stipulate to one fifteen (15) day extension to respond to a complaint or cross-complaint.~~

~~If the responsive pleading is a demurrer, motion to strike, motion to quash service of process, motion for a change of venue or a motion to stay or dismiss the case on *forum non conveniens* grounds, and the demurrer is overruled or the motion denied, a further responsive pleading shall be filed within ten (10) days following notice of the ruling unless otherwise ordered. If a demurrer is sustained or a motion to strike is granted with leave to amend, an amended complaint shall be filed within ten (10) days following notice of the ruling unless otherwise ordered. The court may fix a time for filing pleadings responsive to such amended complaint.~~

- ~~(d) Proofs of service: Proofs of service shall be filed within sixty (60) calendar days of the filing of the complaint or cross-complaint.~~

12.2 NOTICE OF CASE MANAGEMENT CONFERENCE

- (a) A case management conference will be set by the clerk at the time the complaint is filed in approximately 120 days.*
- (b) If the complaint is a limited collection case, the clerk at the time of filing shall set the case management conference 385 days after the complaint is filed pursuant to Rule 3.712(d) of the California Rules of Court.*
- (c) If the complaint involves an uninsured motorist claim the case management conference will be continued by the court for a period not to exceed 200 days from the initial filing date.*
- (d) The plaintiff shall serve the complaint on each defendant together with the (1) the Notice of Case Management Conference; (2) the Alternative Dispute Resolution (ADR) information packet; and (3) such local forms as may be provided by the court clerk. The ADR information packet can be found on the Court's website at www.yolo.courts.ca.gov or can be obtained from the clerk's office.*

12.3 UNINSURED MOTORIST; DUTY TO ADVISE

- ~~(a) If the complaint involves an uninsured motorist claim as defined in Insurance Code Section 11580.2, plaintiff shall advise the court no later than the first case management conference. Once the plaintiff has advised the court of the claim, the court shall toll the timeliness requirements imposed by these Rules for 180 days from the initial filing date. The case management conference will be continued by the court for a period not to exceed 200 days from the initial filing date.~~
- ~~(b) If the case has not concluded, a new case management conference statement shall be filed by all parties fifteen (15) days prior to the conference, setting forth the reasons for the delay and the expected date of the award or conclusion of the claim, among other matters.~~
- ~~(c) If a judgment, Notice of Settlement (Judicial Council Form 200), or dismissal has been filed, the case management conference shall be vacated. (Effective January 1, 2007)~~

12.4 CASE MANAGEMENT CONFERENCE AND STATEMENT

- ~~(a) A case management conference will be set by the clerk at the time the complaint is filed. (Government Code Section 68618.) Normally, the CMC will be set 120 days after the complaint is filed.~~
- ~~(b) If the complaint is a limited collection case, the clerk at the time of filing~~

~~shall set the case management conference 385 days after the complaint is filed. (See Rule 12.6.)~~

- ~~(c) At least fifteen (15) calendar days before the scheduled case management conference, each party shall file with the court and serve on all other parties a completed Judicial Council Case Management Statement (Form CM 110).~~
- ~~1. The statement shall be completed in sufficient detail that it will accurately apprise the court of the current status of the case. Joint statements are encouraged.~~
 - ~~2. If the case is set for further conference, all parties shall file updated statements fifteen (15) calendar days prior to the scheduled conference. *(Effective January 1, 2007; As amended, eff 01/01/08; As amended, eff 01/01/11)*~~

~~12.5 CONDUCT AT CASE MANAGEMENT CONFERENCE (CMC)~~

- ~~(a) Attendance at the CMC, personally or telephonically, is mandatory for all parties or their attorneys of record.~~
- ~~(b) The court will deem the case to be at issue at the CMC absent a showing of extraordinary circumstances.~~
- ~~(c) The CMC may be set at an earlier date by order of the court or by written stipulation of the parties. The conference may be continued or vacated by the court on its own determination with notice to the parties.~~
- ~~(d) Trial counsel, except for good cause shown, and back up trial counsel shall be specified at the case management conference. If such counsel is not specified, relief from the scheduled trial date may not be obtained based upon the grounds that counsel is not available or scheduled elsewhere.~~
- ~~(e) At the CMC, the judge will make appropriate pre trial orders that may include the following:~~
- ~~(1) An order referring the case to ADR or by party's agreement or to mediation;~~
 - ~~(2) An order assigning a trial date & settlement conference;~~
 - ~~(3) An order transferring the case to the limited jurisdiction;~~
 - ~~(4) An order identifying the case as one which may be protracted and determining what special administrative and judicial attention may be appropriate, including special assignment;~~
 - ~~(5) An order for discovery, including but not limited to establishing a discovery schedule, assignment to a discovery referee, and/or establishing a discovery cut-off date;~~
 - ~~(6) An order scheduling the exchange of expert witness information;~~
 - ~~(7) An order scheduling a subsequent CMC;~~
 - ~~(8) An order to show cause regarding dismissal, monetary or other sanctions, as may be appropriate in the circumstances, for the failure to prosecute the action, failure to comply with prior court orders, failure to appear, or failure to follow the Court's rules and policies;~~

- ~~(9) An order to show cause re: dismissals may be set by the court to achieve the timely disposition of the case and the interests of justice; and~~
- ~~(10) An order to show cause hearing re: failure to complete judicial arbitration within the court ordered time frame. Sanctions may be imposed.~~

~~(f) The court may order a CMC continued any time on its own motion or at the request of any party made in writing, setting forth the good cause therefore, and duly served upon all parties appearing in the action not less than fifteen (15) days prior to the CMC date. (Effective January 1, 2007; As amended, eff 01/01/08; As amended, eff 01/01/2012)~~

12.6 LIMITED CIVIL COLLECTION CASES

Limited civil collection cases are governed by Rules 3.740 and 3.741 of the California Rules of Court and this Rule. Failure to comply may result in an order to show cause and monetary sanctions.

- (a) ~~Obligation to take default and obtain judgment:~~** It is the plaintiff's obligation to take the defendant(s) default and proceed to judgment within 360 days after the complaint has been filed. Compliance with Rule 3.740(f) of the California Rules of Court will be strictly enforced. Plaintiffs are encouraged to proceed with default prove-ups as promptly as possible to avoid orders to show cause and sanctions.
- (b) ~~Service:~~** Serve all named defendants and file proofs of service on those defendants with the court or obtain an order for publication of the summons within 180 days of the filing of the complaint (CRC 3.740)
- (c) ~~Notice of Case Management:~~** Serve a copy of the case management conference notice and a blank case management statement on all named parties in the action. (CRC 3.220 and 3.222)
- (d) ~~Responsive Pleading:~~** Comply with CRC 3.110 relating to responsive pleadings, cross complaints, extensions of time and defaults.
- (e) ~~Judgment or Dismissal:~~** If a judgment or dismissal of the entire action is filed prior to the date of any calendared case management conference, no appearance or case management statement need be made or filed and the date will be vacated.
- (f) ~~Case Management Statement:~~** If no judgment or dismissal of the entire action is filed prior to any calendared case management conference a case management statement must be filed and served and an appearance in person or by court call must be made at the calendared case management conference.
- (g) ~~Failure to Follow the Rules:~~** If the rules as set forth herein are not followed, an order to show cause hearing shall be set and notice given. The non-complying party will be ordered to show cause why sanctions, including but not limited to monetary, evidentiary, issue sanctions, striking pleadings and/or dismissal should not be ordered, all order to

~~show cause hearings will require written responses.~~ *(Effective January 1, 2008; as amended, eff 01/01/10; As amended, eff 01/01/2015)*

Proposed changes to the Yolo Superior Court Local Rules
Rule 14 Settlement Conference

Delete Rule 14 – Yolo Superior Court does not have a mandatory settlement program. The parties can request a bench officer settlement conference.

~~14.1 — PARTICIPATION~~

~~All civil cases set for trial shall participate in a settlement conference. The conference shall be in accordance with Rule 3.1380 of the California Rules of Court, except as provided in these rules and the Court's settlement policy. All parties and their counsel shall be prepared to make a good faith offer of settlement. (Effective January 1, 2007)~~

~~14.2 — FAILURE TO COMPLY~~

~~Failure to comply with these rules and policies can result in sanctions in appropriate circumstances. (Effective January 1, 2007)~~

~~14.3 — TRIAL JUDGE~~

~~The judge who conducts a settlement conference will not normally preside at the subsequent trial of such case. (Effective January 1, 2007)~~

Proposed changes to the Yolo Superior Court Local Rules
Rule 15 Civil Trials

Re-number Rule 15 to Rule 13

~~15.1~~ 13.1 TRIALS

The conduct of civil trials shall be governed by these Rules except when otherwise governed by statute, the California Rules of Court or by other provisions of the Yolo Superior Court. *(Effective January 1, 2007)*

~~15.2~~ 13.2 TRIAL STATEMENT AND MOTIONS IN LIMINE

Not later than fifteen (15) calendar days before the first day of trial, each party shall file and serve:

(a) A brief trial statement which shall include:

1. A concise statement of the facts supporting the party's claims or defenses;
2. A statement of admitted or undisputed facts;
3. A statement of issues of law. ~~A memorandum of authorities may be filed in conjunction with Rule 15.2(a)(3), but must be filed separately;~~ and
4. The names of all witnesses, except impeachment and rebuttal witnesses.

(b) In jury cases, a list of special questions proposed for jury voir dire.

(c) All Motions in Limine. Oppositions shall be filed seven (7) calendar days before the first day of trial.

(d) In jury trial cases; jury instructions, unless the Court advises otherwise.

~~15.3~~ 13.3 MARKING EXHIBITS

Counsel shall arrange with the courtroom clerk to pre-mark exhibits outside the presence of the judge or jury before the trial begins on the day those exhibits are to be used.

Plaintiff's shall use numbers and defendants shall use letters unless ordered differently by the judge.

~~15.4~~ 13.4 ORIGINAL DEPOSITIONS

If a deposition is planned to be used at trial, the proponent of this evidence shall lodge the original deposition with the courtroom clerk before the trial begins. *(Effective January 1, 2007)*

~~15.5~~ Deleted

~~15.6~~ INTERPRETERS

~~(a) — The court will make reasonable efforts to maintain a list of interpreters for all languages, the blind and the hearing impaired. A request by any party to a civil action for the use of interpreters for hearing impaired shall be made in compliance with statutory time requirements. The request shall be made through the Court's department of Court Services. Failure to have on the list a type of interpreter requested will not, standing alone, constitute basis for a continuance.~~

~~(b) — Except for interpreters for the deaf and hearing impaired as governed by Evidence Code Section 754, a party requesting an interpreter in a non-criminal matter shall pay the interpreter directly at the governing per diem rate and mileage. *(Effective January 1, 2007)*~~

15.7 — DUTIES IF CASE SETTLES

~~(a) Whenever a case assigned a trial date settles, the attorneys or in pro per parties shall immediately notify the court. Notice of settlement shall be conveyed to the court at the earliest possible time, either by telephone or by fax transmittal and followed by written Notice of Settlement. No trial date will be vacated and no action will be dropped from the civil active list until the court receives a written Notice of Settlement in accordance with Rule 3.1385 of the California Rules of Court.~~

~~(b) Failure to notify the court of settlement in accordance with this Rule may result in monetary sanctions. *(Effective January 1, 2007)*~~

***Proposed changes to the Yolo Superior Court Local Rules
Rule 25 General Probate***

Delete all General Probate Rules

~~25.1 — REAL ESTATE AGENT'S COMMISSION ON SALE OF REAL PROPERTY (PROBATE CODE SECTION 10161, ET SEQ.)~~

~~Upon confirmation of the sale of real property, a real estate agent's commission in excess of the amounts set forth in the following schedule will generally not be allowed:~~

- ~~(a) Improved property: 6% of the sale price~~
- ~~(b) Unimproved property: 10% on the first \$20,000; 8% on the next \$30,000; 5% on amounts over \$50,000~~
- ~~(c) Farm property usually will be considered unimproved property. (Effective January 1, 2007)~~

~~25.2 — COMMISSION TO REAL ESTATE AGENT SECURING INCREASED BID (PROBATE CODE SECTION 10161)~~

~~Where an original bid is made by a purchaser directly to the estate, and at the time of the return of sale an increased bid is made through a real estate agent that results in confirmation, the court will allow the agent one half of the authorized commission on the original bid and the full commission on the remainder of the purchase price, if the total commission does not exceed the maximum allowed by law. (Effective January 1, 2007)~~

~~25.3 — EXCLUSIVE LISTING FOR SALE OF REAL PROPERTY~~

~~In the event that a personal representative agrees to grant to a real estate agent an exclusive listing for the sale of real property, as permitted by Probate Code Section 10150(e), the listing agreement shall provide that said agreement is subject to court approval. In all cases any order approving such an exclusive listing arrangement shall provide that a reasonable broker's commission will be determined by the court at the time of confirmation of sale. (Effective January 1, 2007)~~

~~25.4 — ATTORNEY'S FEES IN SPOUSAL PROPERTY DISTRIBUTION CASES~~

- ~~(a) In cases where a spousal property petition has been filed pursuant to Probate Code Section 13650, et seq., the court will disapprove attorney fees that exceed one third of the statutory probate fee, unless the attorney and the client have previously executed a written agreement concerning attorney fees.~~
- ~~(b) Any petition for a spousal property distribution of the decedent's assets that requests attorney fees shall be accompanied by a summary of fiduciary's accounting that~~

reflects what the statutory probate fee would have been if calculated pursuant to Probate Code Section 10800 et seq. *(Effective January 1, 2007)*

~~25.5 — PROBATE JURY TRIALS~~

~~When a jury trial has been properly demanded in a probate matter, it shall be the responsibility of counsel to prepare and submit jury instructions to the court. Such instructions shall be submitted before any witnesses are sworn. *(Effective January 1, 2007)*~~

~~25.6 — DETERMINATION OF COMMUNITY OR SEPARATE PROPERTY~~

~~In any proceeding under Probate Code Sections 13150, 13200 or 13650 where the court is to consider or determine whether property is community property or separate property, the petition shall include the following allegations:~~

- ~~(a) If the will leaves the property sought to be confirmed outright to the surviving spouse, no allegations as to the character of the property are necessary;~~
- ~~(b) If there is a written community property agreement, a copy of the agreement shall be attached to the petition. If the agreement covers all property about which the petitioner requests a determination, no additional allegations are required;~~
- ~~(c) If there is no will and no written community property agreement or if the written agreement does not cover all the property about which the petitioner requests a determination, the petitioner should allege facts sufficient to show that the property is community property, including:
 - ~~(1) date and place of marriage;~~
 - ~~(2) the decedent's net worth at the time of marriage;~~
 - ~~(3) whether or not the decedent received any significant gifts or inheritance after marriage;~~
 - ~~(4) facts to show that the property to be set aside is not traceable to such initial net worth or later gift or inheritance. *(Effective January 1, 2007)*~~~~

~~25.7 — DECLARATION REGARDING ATTENDANCE AT HEARING TO APPROVE MINOR'S COMPROMISE~~

~~Any petition to approve the compromise of a minor's claim or pending action shall be accompanied by a declaration stating whether the minor and the petitioner will attend the hearing. Any request for the minor or petitioner's attendance to be excused shall be supported by a showing of good cause. *(Effective January 1, 2007)*~~

~~25.8 — USE OF JUDICIAL COUNCIL FORM DE 147S~~

~~This court does not require proposed personal representatives to file a Confidential Supplement to Duties and Liabilities of Personal Representative form (Judicial Council Form DE 147S). *(Effective January 1, 2007)*~~

Yolo Superior Court
Proposed New Local Rule 4.7

RULE 4: ORGANIZATION AND ADMINISTRATION

4.7 BIAS INFORMAL COMPLAINT POLICY

(a) General

To preserve the integrity and impartiality of the judicial system, the Court shall:

(1) *Ensure fairness*

Ensure that courtroom proceedings are conducted in a manner that is fair and impartial to all of the participants.

(2) *Refrain from and prohibit biased conduct*

In all courtroom proceedings, refrain from engaging in conduct and prohibit others from engaging in conduct that exhibits bias based on race, religion, ethnicity, national origin, socioeconomic status, disability, age, gender, or sexual orientation, including whether that bias is directed toward counsel, court personnel, witnesses, parties, jurors, or any other participants.

(3) *Ensure unbiased decisions*

Ensure that all orders, rulings, and decisions are based on the sound exercise of judicial discretion and the balancing of competing rights and interests and are not influenced by stereotypes or biases.

(b) Notice of Concern Process

If an individual has a concern about compliance with the mandates set forth above in subsection (a) by the Court or by any courtroom participant, then:

- (1) The individual may submit a written Notice of Concern to the Presiding Judge or Chief Executive Officer, which identifies all courtroom participants and the specific behavior or conduct occurring in the courtroom of concern;
- (2) The intent of the Notice of Concern procedure is to educate all parties with the purpose of ameliorating the concern rather than disciplining the person who is the subject of the notice;
- (3) To the extent possible and unless disclosure is required by law, the Court shall protect the confidentiality of the noticing party, the person who is the subject of the notice, and other interested persons;
- (4) The focus of this Local Rule is on incidents of concern:
 - i. Bias based on race, religion, ethnicity, national origin, socioeconomic status, disability, age, gender, or sexual orientation;

- ii. Whether that bias is directed toward counsel, court personnel, witnesses, parties, jurors, or any other participants; and a
 - iii. Where the incident does not warrant discipline but requires education and correction.
- (4) Courtroom activities constituting legitimate advocacy when matters of race, religion, ethnicity, national origin, socioeconomic status, disability, age, gender, or sexual orientation which are relevant to issues in the courtroom proceeding are exempt from this Notice of Concern procedure;

(c) Formal Complaint Process

- (1) With respect to any incident that if substantiated would warrant discipline against a judge, the concerned individual may file a formal complaint with the Commission on Judicial Performance;
- (2) Nothing in this procedure in any way shall limit the ability of any person to submit a formal complaint of misconduct regarding any courtroom participant to the Commission on Judicial Performance or the appropriate disciplinary body.

- (3) A formal complaint about a courtroom participant should be sent as follows:

- i. A Superior Court Judge

TO: The Commission on Judicial Performance (CJP)
455 Golden Gate Avenue, Suite 14400
San Francisco, California 94102
Website: https://cjp.ca.gov/file_a_complaint/

- ii. A Superior Court Commissioner

TO: Presiding Judge
Yolo Superior Court
1000 Main Street
Woodland, California 95695

- iii. A Member of Court Staff or Court Contractor

TO: Court Executive Officer
Yolo Superior Court
1000 Main Street
Woodland, California 95695

- iv. An Attorney

TO: State Bar of California
100 Howard Street
San Francisco, California 94105
Website: www.calbar.ca.gov/Public/Complaints-Claims

v. A Courtroom Bailiff

TO: Yolo County Sheriff's Office
140 Tony Diaz Drive
Woodland, California 95776

Yolo Superior Court

Proposed New Local Rule 10

RULE 10: ELECTRONIC FILING AND SERVICE

10.1 AUTHORITY AND COMPLIANCE

This rule governs permissive and mandatory electronic filing and service of documents in the Superior Court of California, County of Yolo as authorized by California Code of Civil Procedure section [1010.6](#) and [Rules 2.250 et. Seq.](#) and [5.552](#) of the California Rules of Court. Unless this rule provides otherwise, parties filing and serving documents electronically shall comply with all requirements for electronic filing and service set forth in California Code of Civil Procedure section 1010.6 and [Rules 2.250 et. Seq.](#) and [5.552](#) of the California Rules of Court.

10.2 MANDATORY ELECTRONIC FILING AND SERVICE

- (a) All documents filed in civil, probate and family law cases shall be filed and served electronically, except when personal service is required by statute or rule and excluding ex parte applications.
- (b) All new civil complaints shall include the Notice of Case Management Conference form. The form can be found on the court's website at www.yolo.courts.ca.gov. The Court will fill in the date, time and department for the Case Management Conference.
- (c) All documents, excluding the initial accusatory pleading, filed in criminal and juvenile cases shall be filed and served electronically.
- (d) Self-represented parties and non-parties are exempt from the mandatory electronic filing and service requirements but are encouraged to participate.
- (e) An attorney representing a party may request to be excused from the mandatory electronic filing and service requirement by showing undue hardship or significant prejudice.
 - 1. An attorney requesting to be excused shall file with the Clerk of the Court and service on all parties a Request for Exemption from Mandatory Electronic Filing and Service (Judicial Council Form [EFS-007](#)) with a Proposed Order (Judicial Council Form [EFS-008](#)).
 - 2. An Attorney who requests an exemption shall be served with documents in paper form until the Court rules on the request.
 - 3. Undue hardship or significant prejudice does not include the inability to pay fees for electronic filing.
- (f) Self-represented parties, non-parties, and attorneys excused from electronic filing must be served conventionally.

10.3 ELECTRONIC FILING REQUIREMENTS

All documents electronically filed, whether mandatory, permissive, by Court order, or by stipulation of parties, must be electronically filed using one of the Court's approved electronic filing service providers, and must comply with the Court's electronic filing requirements. All requirements and a list of service providers are available on the Court's website at www.yolo.courts.ca.gov.

10.4 ELECTRONIC FILING ACCEPTANCE DEADLINE

Electronically filed documents filed prior to midnight on a Court day will be deemed filed as of that day. For purposes of this Rule, filing occurs at the time the document is received by the Court and a confirmation of the receipt is created. Any electronically filed document received by the Court from 11:59PM to 7:59AM, or filed on a non-court day, will be deemed filed on the first Court day after it is received.

10.5 ELECTRONIC FILING FEE WAIVER

A party who has received a fee waiver is not required to pay any fee for electronic filing and service. A party who has not already received a fee waiver may request a waiver of the fees for electronic filing and service by filing with the Court an Application for Waiver of Court Fees and Costs (Judicial Council Forms [FW-001](#) and [FW-002](#)).

10.6 CONFIDENTIAL DOCUMENTS

Unless the electronically filed document is a confidential document pursuant to law and/or will be filed under seal, to protect personal privacy, counsel and parties must refrain from including, or must redact where inclusion is necessary, the personal data identifiers from all documents, including exhibits, filed with the Court under this Rule, such as social security numbers and financial account numbers. See [Rule 1.201](#) of the California Rules of Court.

10.7 DOCUMENTS NOT FILED ELECTRONICALLY

(a) The following documents shall not be filed electronically:

- Subpoenaed documents
- Labor Commissioner deposit of cash or check
- Bonds
- Undertakings
- Deposits of cash, check or credit cards
- Wills/Codicils
- Sealed documents
- Financial institutes documents, care facility documents, or escrow documents as defined under Probate Code section [2620](#)
- California State vital records forms
- Appeals

(b) A party may be excused from filing any particular document or exhibit electronically if it is not available in electronic format and it is not feasible for the party to convert the document or exhibit to electronic format, or it may not be comprehensively viewed in an electronic format, including but not limited to exhibits that are real objects. Such a document or exhibit may be manually filed with the Clerk of the Court and served upon the parties by conventional non-electronic means. A party manually filing such a document or exhibit shall file electronically and serve a Notice of Manual Filing specifically describing the document or exhibit and setting forth the reason the document or exhibit cannot be filed electronically.

10.8 EXHIBITS

(a) Exhibit attachments to pleadings filed electronically shall be separated by a single page with a title identifying the sequence of the exhibit.

(b) Proposed trial exhibits shall not be filed electronically but shall be lodged in paper format with the trial department once assigned unless otherwise instructed by the Court.

***Proposed changes to the Yolo Superior Court Local Rules
Rule 17 General Family Law***

The Court no longer requires the filing of the Family Law Information Form.

~~17.5—FAMILY INFORMATION FORM~~

~~(a) When a new family law or domestic violence action that involves a minor child(ren) or probate guardianship action is filed, the petitioner and respondent shall complete and file the Family Information Form. The parties in existing cases may also be required to complete the form if they have not filed pleadings within the last two (2) years or if there has been a change in circumstances. The information gathered from the form will be used to identify related cases and to screen for urgent concerns, such as domestic violence.~~

~~(b) This form shall be kept in a confidential envelope in the case file. It shall not be shown or disseminated to anyone except for the judge, mediator, party to the action, attorney of record or any other person authorized by the court.~~

~~(c) The form shall not be used in any proceeding as evidence against a party to the action.~~ *(Effective January 1, 2008; Renumbered, eff 01/01/15)*